

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TOBIN DON LEMMONS,

Plaintiff,

v.

MICHAEL HOUSTON, JEFF TROUTT,
JANET DOWLING, KATRYNA FRECH,
GENESE MCCOY, SAMMIE KENYON,
JAMES HOWARD, DR. SHRINER,
JOSEPH SMASH, DOES, LEONIDES BERMEJO)
CHERIAN KARUNAPUZHA, LORI IRWIN,)
GREGG BROOKS, KENYA SACKETT,)
FELICIA HARRIS, ROBERT PATTON, and)
JUSTIN JONES, in his individual capacity,)

Defendants.

Case No. CIV-13-494-D

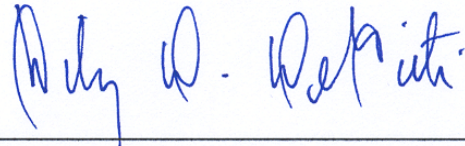
ORDER

Before the Court are Motions for Default Judgment [Doc. Nos. 105 and 106] filed by Plaintiff on March 10, 2015. Plaintiff seeks the entry of default judgment against Defendants Derral Schreiner and Lori Irwin. However, in a Report and Recommendation [Doc. No. 101] filed February 19, 2015, Magistrate Judge Shon T. Erwin recommended dismissal of Plaintiff's claims against Defendant Schreiner pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2)(B)(ii) and against Defendant Irwin on grounds of judicial immunity. Plaintiff, therefore, is not entitled to the entry of a default judgment against these Defendants. *See Judy v. Obama*, – Fed. App'x –, 2015 WL 427429 at *2 (10th Cir. Feb. 3, 2015) (holding that “[e]ven if the Defendants were properly served, [Plaintiff] would not have been entitled to default judgment because the district court was required to dismiss his complaint under § 1915(e)(2)[(B)](i)-(ii) as frivolous and for failing to state a claim for relief”). Moreover, Plaintiff did not object to the Report and Recommendation and the Court has adopted the

findings set forth therein as to these Defendants, *see* Order [Doc. No. 109], rendering Plaintiff's motions for default judgment moot.

IT IS THEREFORE ORDERED that Plaintiff's Motions for Default Judgment [Doc. Nos. 105 and 106] are DENIED.

IT IS SO ORDERED this 31st day of March, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE